

CASE SUMMARY

Rezoning

MEETING:	Planning Commission May 3, 2012
CASE NO:	Z-5-512
SITE ADDRESS:	Monkey Junction Annexation Area
PROPOSAL:	Initial zoning of the Monkey Junction Annexation Area
PRESENTED BY:	Ron Satterfield, Planning Manager
STAFF RECOMMENDATION:	APPROVAL

GENERAL INFORMATION

Applicant/Agent:	City of Wilmington
Owner:	Multiple Owners (see attachment for property owners and addresses)
Current Zoning:	R-15, R-10,O&I, B-1 and B-2 (New Hanover County, see attachment 1)
Total Area:	1,365 parcels totaling approximately 1,180.90 acres

ZONING HISTORY

The city-initiated annexation of the Monkey Junction area became effective March 27, 2012 with the decision by the North Carolina Superior Court that the 2011 changes to the state annexation statutes were unconstitutional. This proposal is for the initial zoning of the entire area. Attachment 1 shows the New Hanover County zoning designation for each parcel as of March 27, 2012. Attachment 2 shows the proposed city of Wilmington zoning for each parcel.

Services must be provided to the area in accord with the adopted services plan and the area must be zoned within 60 days of the effective date of the annexation or the area will be unzoned. The 60-day time limit to adopt city zoning will expire May 26, 2012. Establishing the zoning for the Monkey Junction area is critical to the success of implementing city services in the area. Without an official amendment to the city's zoning map, the review and approval process for development projects and other permitting will be affected.

ANALYSIS

The Monkey Junction annexation area totals approximately 1,180.90 acres. Under the New Hanover County zoning, approximately 645 acres, is zoned R-15 or R-10, approximately 230 acres are zoned B-1 or B-2, and approximately 22 acres are zoned O&I. Several parcels carry more than one zoning designation.

In anticipation of the Monkey Junction annexation, staff conducted extensive research, including verification of county zoning, field verification of land use, analysis of approved subdivision plans and special/conditional use permits, verification of recent county rezoning actions, and review of adopted policies and plans. Based on this research, an analysis was done to determine the most appropriate zoning category for each parcel.

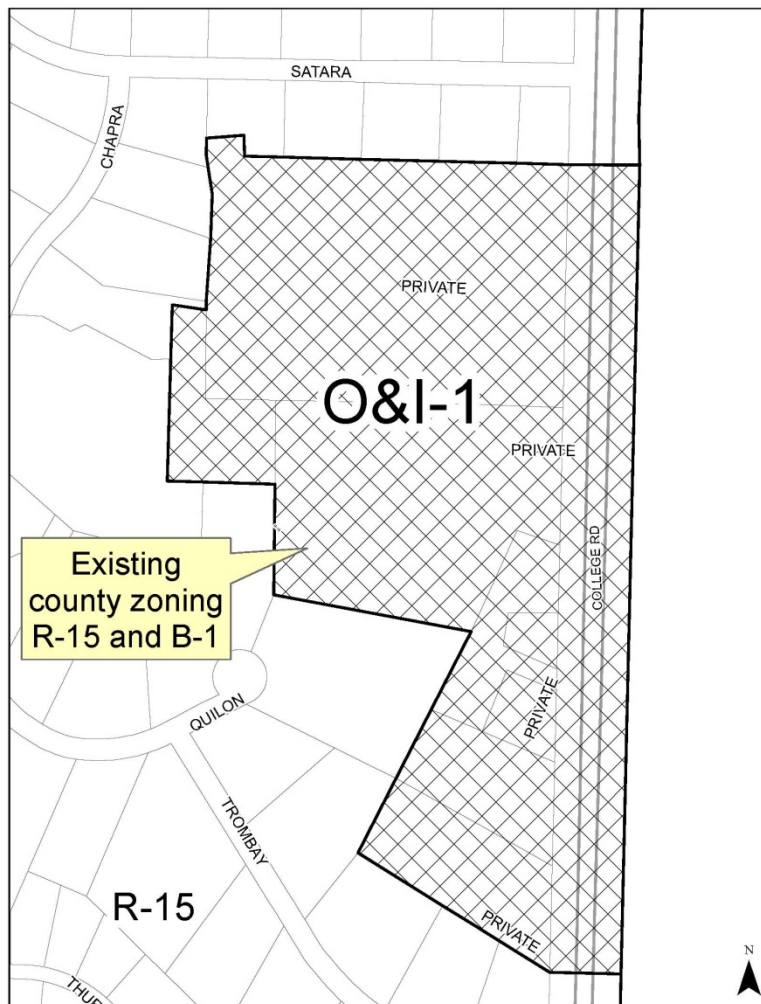
Zoning Districts - The New Hanover County R-15 district is established as a district in which the principal use of land is for residential purposes and to insure that residential development not having access to public water and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment. The county's R-10 district is established as a district in which the principal use of land is for residential purposes with access to either public water or public sewer. If public water is not available, then the water system infrastructure must be installed in accordance with County standards and connected when a public supply becomes available. The dimensional requirements for these districts are very similar to the city's R-15 and R-10 districts. Where the existing development meets the city's R-15 and R-10 standards (lot sizes, densities), these designations are proposed to be carried over. Where the development of the property is inconsistent with the city's R-15 and R-10 zoning regulations, a zoning designation that more closely matches the use of the property is proposed in order to avoid creating nonconformities. For example, the Ashley Park subdivision (Ashley Park Drive) is developed with townhomes and small-lot single-family homes zoned R-15 by the county; staff proposes to zone this development MF-L so that the lots and homes are not made nonconforming.

The New Hanover County B-1 (business) district is established to provide convenient shopping facilities primarily of necessity goods and personal services required to service a neighborhood. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designed on the county's Thoroughfare Classification Plan. No B-1 district shall be fewer than two acres in area. This district is similar in nature to the city's CB and O&I-1 districts. The areas zoned B-1 by the county are proposed to be zoned O&I-1 and CB in order to allow current uses and limit nonconformities.

The purpose of the county's B-2 (highway business) district is to provide for the proper grouping and development of roadside business uses which will be accommodate the needs of the motoring public and businesses demanding high-volume traffic. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the county's Thoroughfare Classification Plan. No B-2 district shall be fewer than 5 acres. This district is most similar to the city's RB district. The commercial node at the intersection of S. College and Carolina Beach roads is proposed to be zoned RB. Due to the use and development of certain parcels, other B-2-zoned areas are proposed to be zoned O&I-1, and CB.

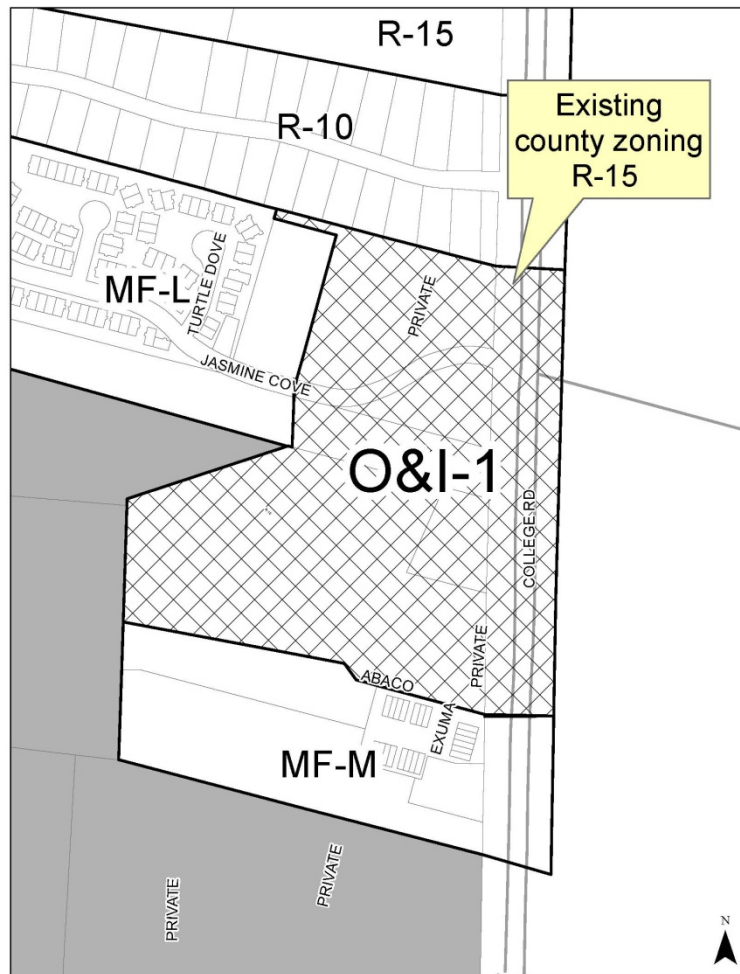
An analysis of the city's and county's relevant zoning districts and uses can be found in the charts in attachments 6 and 7.

Significant Proposed Zoning Changes

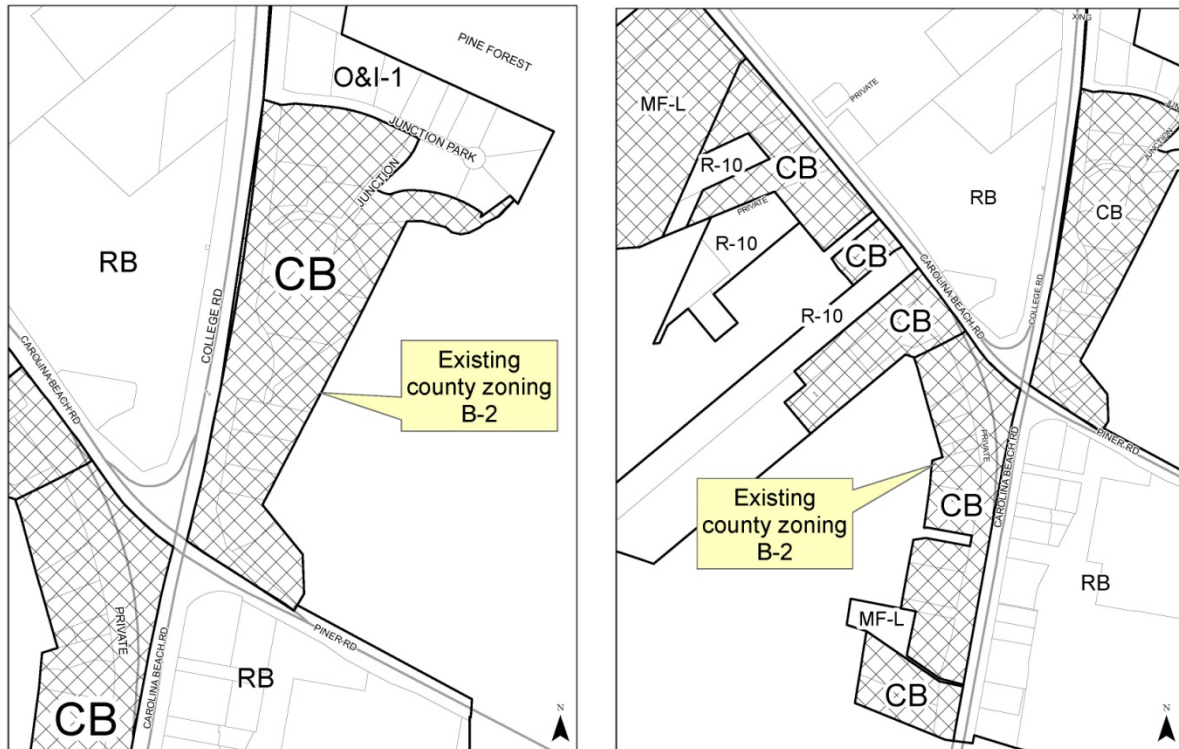


Cape Fear Academy and Trinity United Methodist Church - from county R-15 to city O&I-1. Although the church and school uses are permitted in the city's R-15 district, they require a special use permit or must comply with prescribed conditions under the R-15 designation. Zoning these parcels O&I-1 would make the zoning more consistent with the existing land uses, which may facilitate future redevelopment and limit the creation of nonconformities. A portion of the Cape Fear Academy campus is proposed to remain zoned R-15, as it has frontage on Chapra Drive (within the Samsara Estates subdivision).

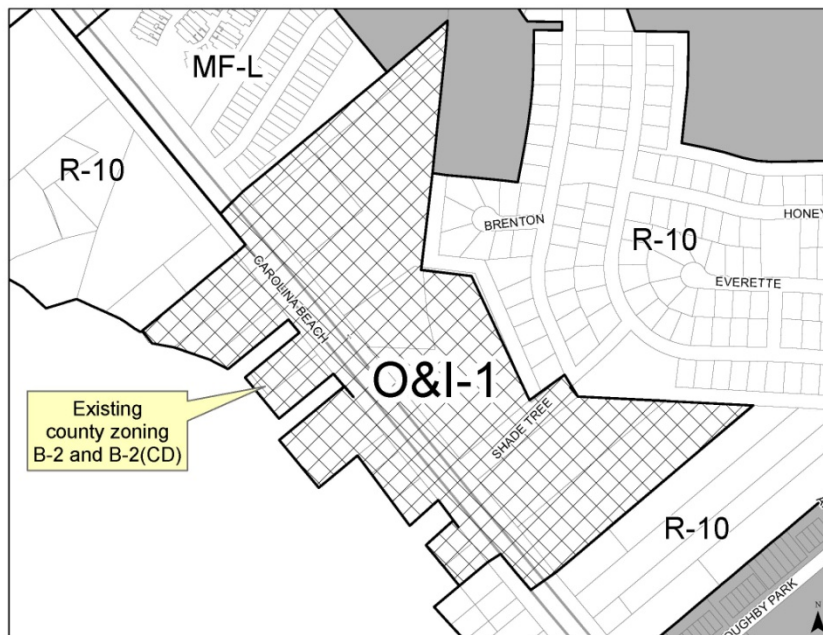
Andrews Mortuary, Moravian Church, and College Road Animal Hospital – from county B-1 to city O&I-1. These existing businesses are permitted within the city's O&I-1 district and the O&I-1 district designation will allow their continued use and limit nonconformities.



Arab Shrine Club, Korean Baptist Church, and Vineyard Community Church – from county R-15 to city O&I-1. Although the churches are permitted in the city's R-15 district, the Arab Shrine Club is not. Zoning these parcels O&I-1 would make the zoning more consistent with the existing land uses and which may facilitate future redevelopment and limit the creation of nonconformities.



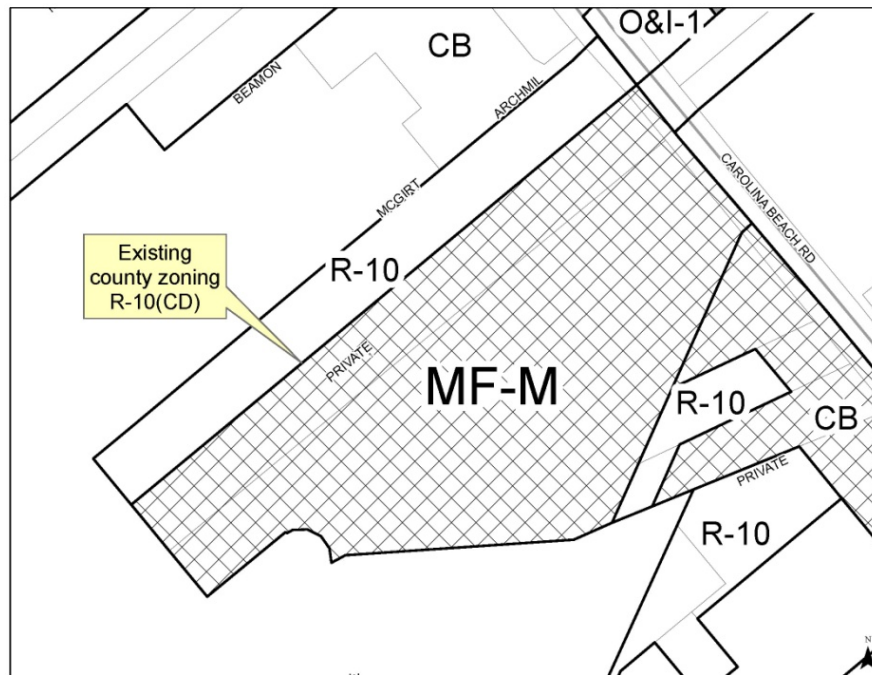
Parcels around the intersection of S. College and Carolina Beach roads – from county B-2 to city CB. Where these parcels are split-zoned, the city zoning is proposed to follow property lines.



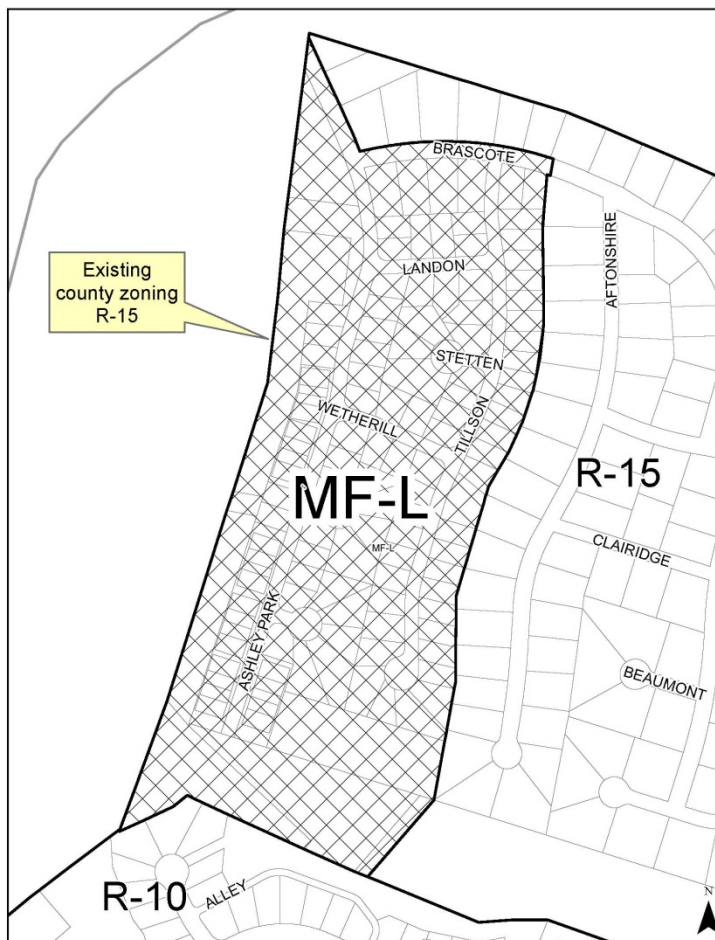
Martin Self Storage, U-Haul rental, and surrounding commercial uses (east side of Carolina Beach Road) – from county B-2 to city O&I-1. Across the street is B-2 and O&I zoning, which is proposed to be zoned O&I-1.

Use nonconformities are not anticipated in the proposed CB-zoned area. Mini-warehouses and truck rental are not permitted uses in the O&I-1 district, and these uses would become grandfathered non-conforming uses. It is expected that zoning these parcels to O&I-1 rather than CB would minimize impacts if the parcels are redeveloped to an improved form and function in the future.

The application of the city's RB zoning is proposed to be limited to the major node at the intersection (Wal-Mart, Lowe's, and Home Depot areas). The RB district is a rather intense zoning district and is most appropriately located at major nodes/intersections. Carolina Beach Road and S. College Road are both operating at a level of service of "F" in this area; zoning these smaller parcels to CB and O&I-1 rather than RB will help minimize the impacts of RB zoning, including significant traffic impacts. In the past, significant portions of Market Street were zoned RB at annexation simply because they were zoned B-2 in the county prior to annexation. This has created significant traffic/transportation concerns and resulted in a built form that is less than desirable. Zoning these parcels to O&I-1 and CB now, rather than RB, will help prevent a similar situation along this portion of Carolina Beach Road.



Royal Palms Mobile Home Park and adjacent mobile home park (west side of Carolina Beach Road) – from county R-10 to city MF-M. The Royal Palms site is currently developed with approximately 180 mobile homes; however, in 2010, a conditional use permit was approved for 288 multi-family units on the Royal Palms site. The adjacent parcel developed with approximately 27 mobile homes and is also proposed to be zoned MF-M. The MF-M zoning classification will facilitate the redevelopment of these parcels and is consistent with the approved and vested site plan for the Royal Palms site.



Ashley Park at Georgetown – from county R-15 to city MF-L. The homes and lots in this portion of Ashley Park would be nonconforming under the R-15 designation. Zoning these parcels MF-L would nonconformities.

CONCLUSION/RECOMMENDATION

Other than the Wilmington-New Hanover County 2006 CAMA Plan Update, the city does not currently have land use policies adopted for this area. An amendment to the city's Future Land Use Plan map is also proposed as a concurrent amendment. Although the Carolina Beach Road Corridor Plan (CBRCP) and College Road Corridor Plan (CRCP) do not extend beyond the city limits existing at the time of their adoption in 2004, several of the overarching policy recommendations can be applied to this area.

The CBRCP calls for the long, narrow single-family zoned lots fronting Carolina Beach Road near the Independence Boulevard intersection to be considered for rezoning to multi-family or office only if the lots are combined to create unified developments with full internal circulation. This principal has been applied to many of the similarly situated lots along this portion of Carolina Beach Road.

The CRCP calls for land between major nodes to remain zoned for lower-intensity uses such as CB and O&I uses; multi-family and mixed-uses are also suitable between nodes. This has been applied to many of the parcels along S. College Road.

The majority of the land in the Monkey Junction annexation area is identified on the Land Classification Map of the Wilmington-New Hanover County 2006 CAMA Plan Update as “urban,” with the remainder being classified as “transition” and a small area of “conservation.”

The purpose of the urban classification is to provide for continued intensive development and redevelopment of existing urban areas. These areas are already developed at a density approaching 1,500 dwelling units per square mile. Urban services are already in place or scheduled within the immediate future. The purpose of the transition class is to provide for future intensive urban development on lands that have been or will be provided with necessary urban services. The location of these areas is based upon land use planning policies requiring optimum efficiency in land utilization and public service delivery. The purpose of the conservation class is to provide for effective long-term management and protection of significant, limited or irreplaceable natural resources while also protecting the rights of the property owner. Management of these areas may be required for a number of reasons, including natural, cultural, recreational, productive or scenic values, but are primarily flood-prone areas. Lands placed in the conservation class present challenges from a land use standpoint, as they are often the most desirable from a development perspective and they may be, at the same time, the most undesirable to develop from an environmental or public safety perspective.

The proposed zoning attempts to retain land uses and zoning where they are suitable, limit the creation of nonconformities, and to consider the future impacts of development and redevelopment of areas, especially in terms of land use compatibility, site design, and trip generation. The proposed zoning ensures that residential neighborhoods are protected from intensive uses and that transition that occurs on underutilized residential parcels is considered on a holistic level rather than piecemeal.

Due to the significant impacts of the RB zoning district, expansion of the RB is not recommended beyond the existing high-intensity node at the intersection of S. College and Carolina Beach roads. Adopted plans for the city’s major road corridors, including the CBRCP and CRCP, call for limiting RB zoning to major nodes. As noted in the Wilmington-New Hanover County 2006 CAMA Plan Update, “While the retail opportunities may be good for the local economy, they are not without problems. First, the push to provide commercial opportunities to satisfy regional demand has meant that more vacant land has been rezoned. When that happens, land use conflicts occur, especially when commercial development is located adjacent to residential uses. Second, commercial expansion is sometimes ill-planned, resulting in strip commercial development. In addition, over-development in some areas has resulted in under-utilized commercial properties in traditional commercial corridors. Though these commercial centers may be unoccupied, they still are allotted services, reduce open space, and potentially impact the environment.” Limiting the RB node will help to minimize these negative impacts of commercial development.

The proposed zoning of the Monkey Junction Area is consistent with and will help further the goals of City Council’s adopted focus areas of *Diverse and Thriving Economy*, *Welcoming Neighborhoods and Public Spaces*, and *Sustainability and Adaptability*. As proposed, the zoning of the area will help augment the city’s capacity to respond to changing conditions, provide options for sustainable, quality redevelopment, protect neighborhoods, and support existing businesses.

The proposed zoning of the Monkey Junction area would leave a significant portion of the area with like zoning. Some of the residential zoning is proposed to be adjusted to accommodate for existing densities and development patterns. Several pockets of commercial development are proposed for zoning changes in order to minimize nonconformities, consider redevelopment opportunities, and to apply the principals of the Carolina Beach Road and College Road Corridor Plans. Staff recommends **approval** of the initial zoning for the Monkey Junction area as shown on the attached map.

NEIGHBORHOOD CONTACT

City Notifications:	Planning Commission	City Council
Signs Posted	4/20/12	5/3/12
Property Owner Notification Letters	4/20/12	4/20/12
Advertisement Dates	4/27/12	4/27/12, 5/4/12

General Inquiries:

ACTIONS TO DATE

Planning Commission: Scheduled for public hearing 5/4/12

City Council: Scheduled for public hearing 5/15/12

ATTACHMENTS

1. New Hanover County zoning map (dated 4/11/12)
2. Proposed city of Wilmington zoning map (dated 4/11/12)
3. Current land use map (dated 4/11/12)
4. Aerial Photograph (dated 4/11/12)
5. CAMA Land Classification Map (certified 6/23/06)
6. Zoning districts comparison (dated 4/5/12)
7. Table of permitted uses comparison (dated 4/10/12)
8. List of affected parcels (dated 4/16/12)

Current
Zoning

Z-5-512

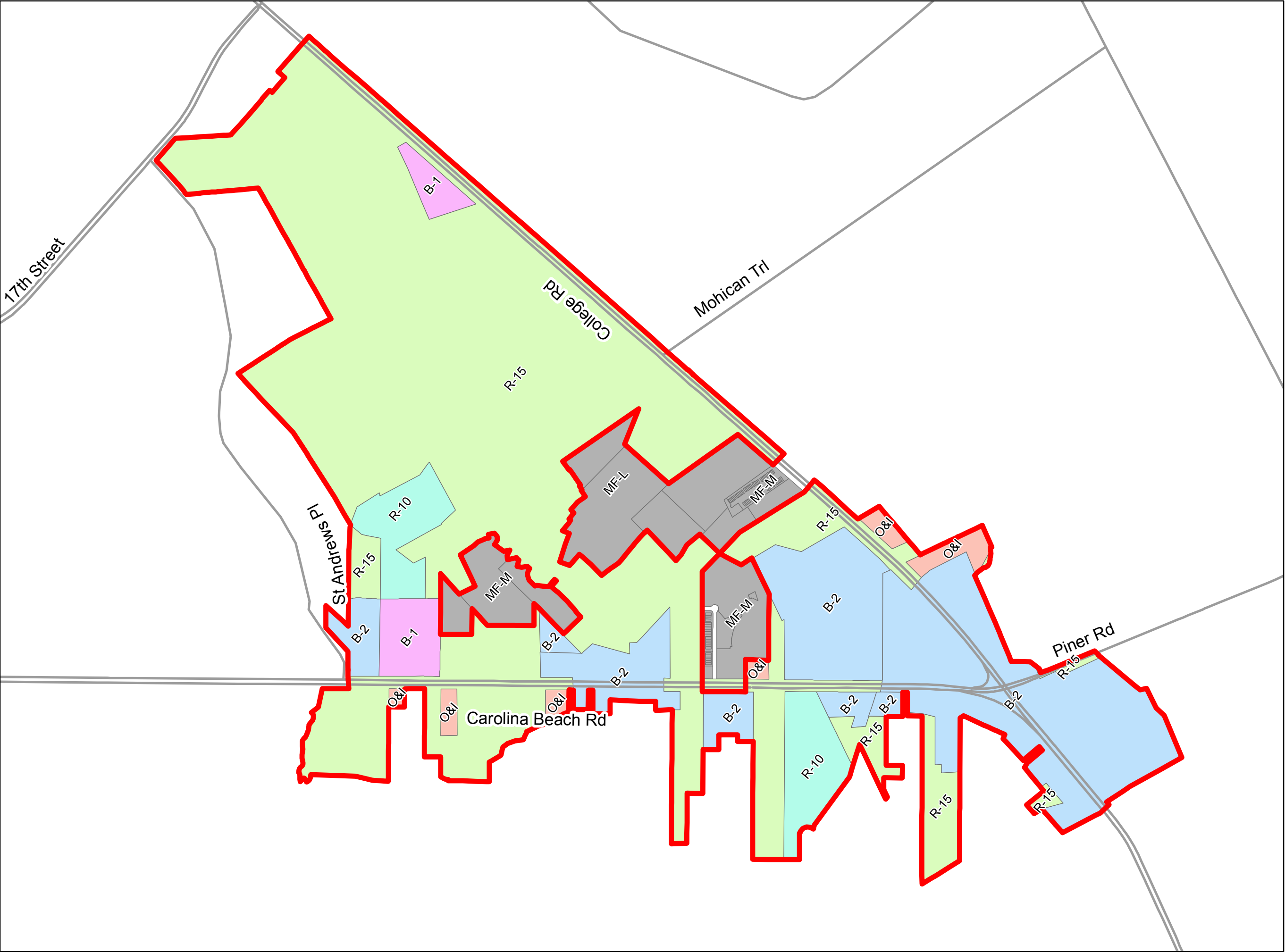


NHC Current Zoning

- B-1
- B-2
- O&I
- R-10
- R-15



Date: 4.11.12



Proposed Zoning

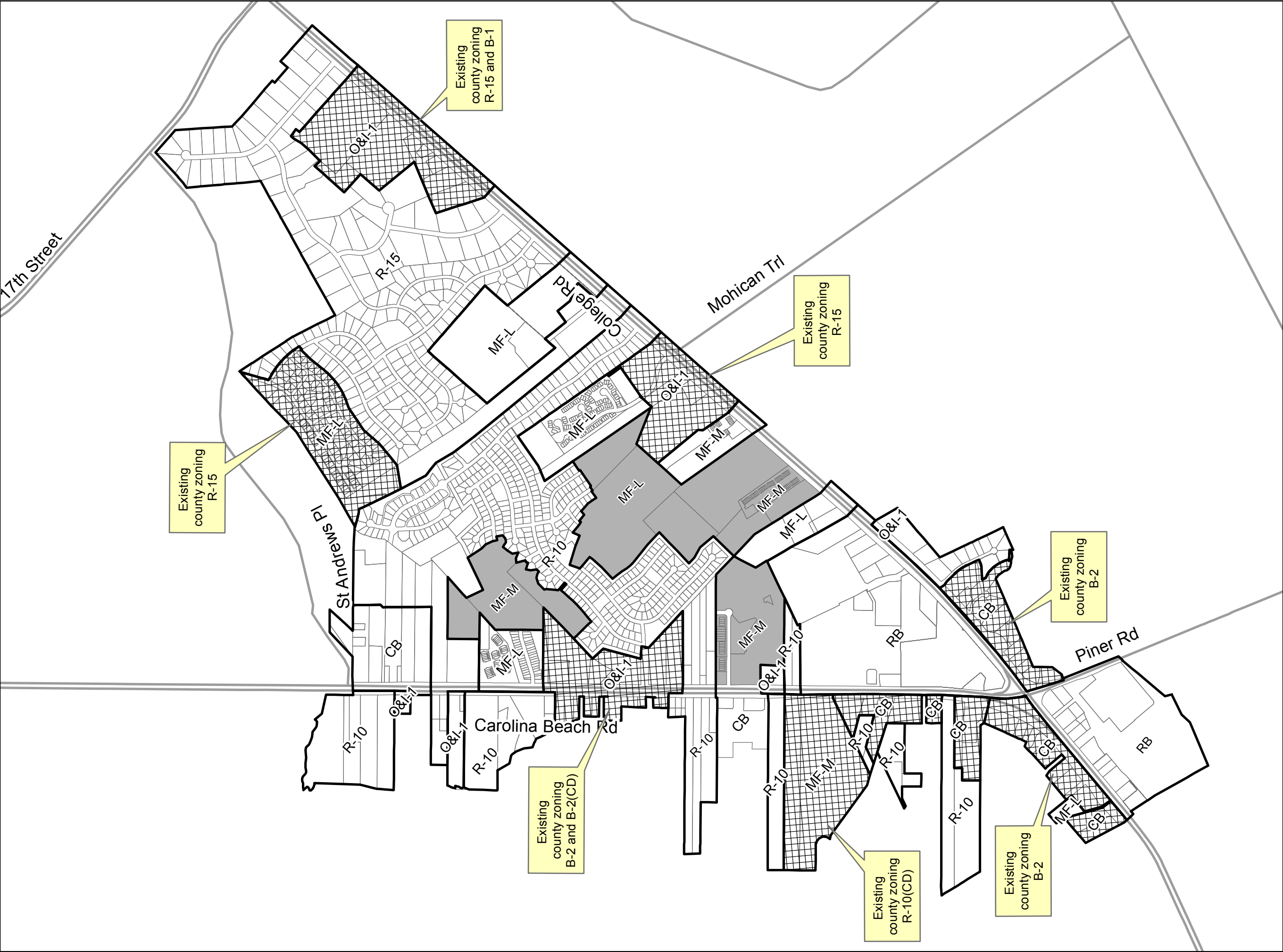
Z-5-512



- Recommended Zoning
- Recommended zoning change from county zoning



Date: 4.11.12



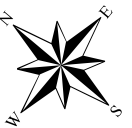
Current Land Use

Z-5-512

Monkey Junction and adjacent properties

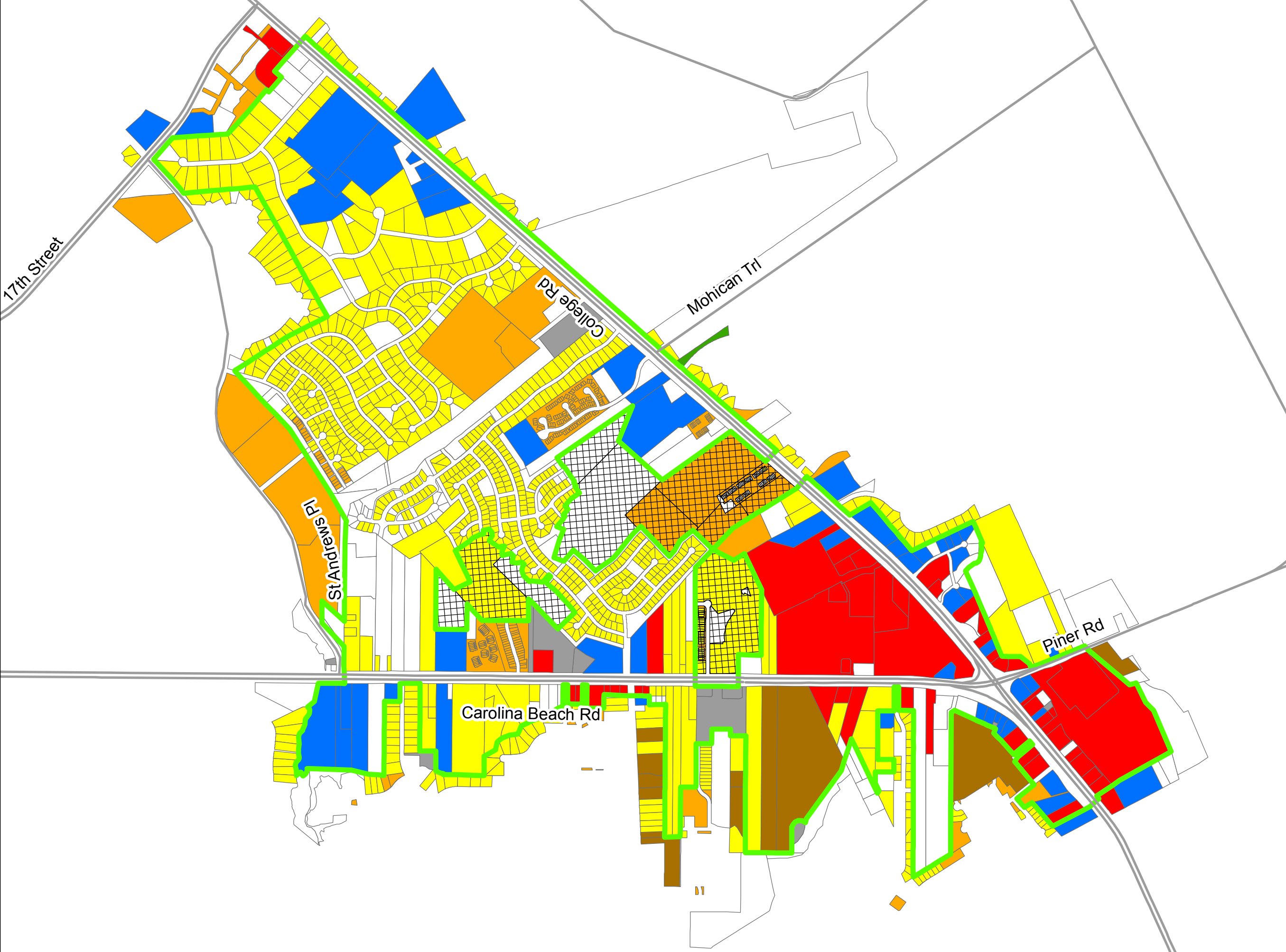


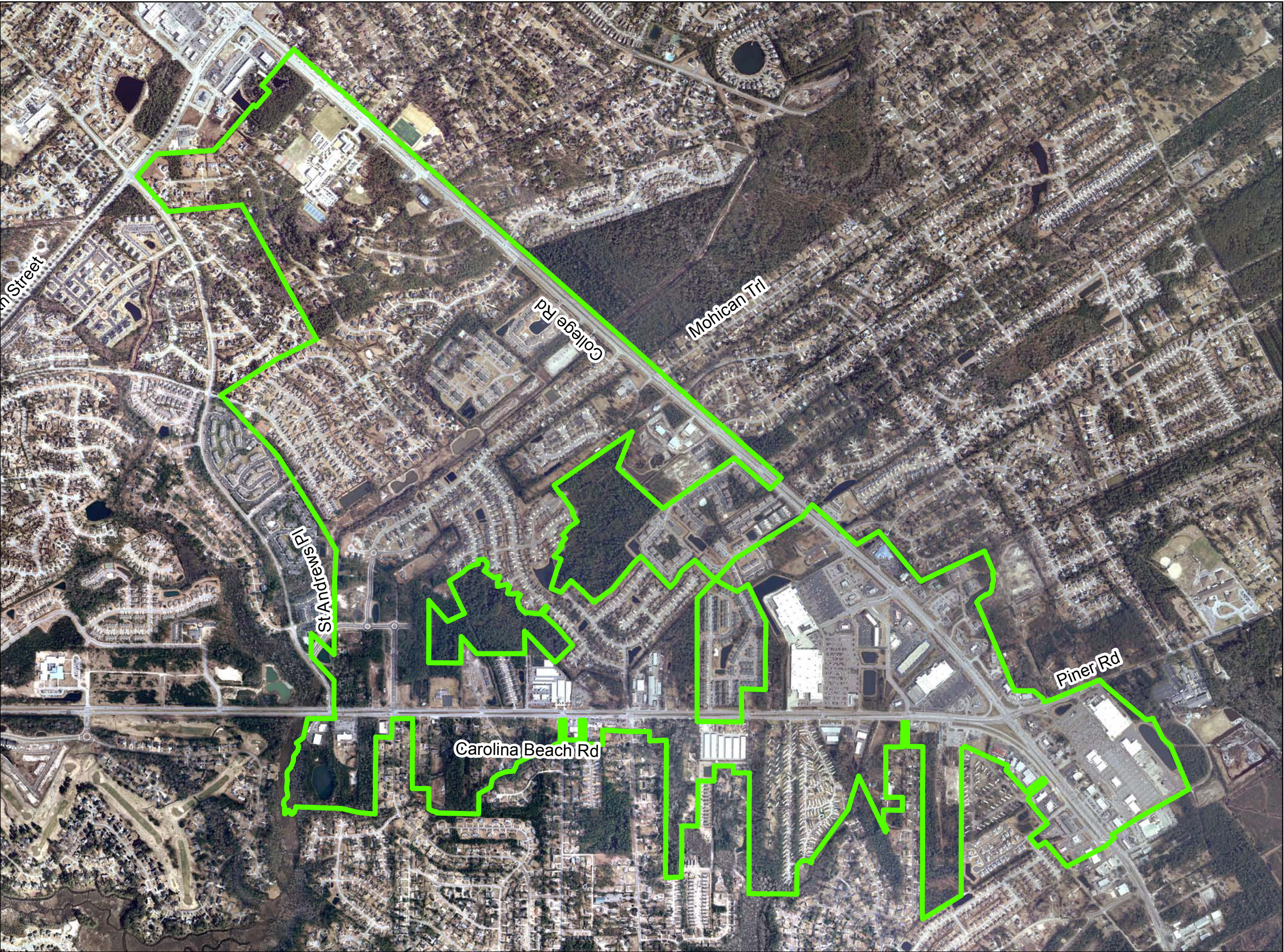
- Site
- Single-family
- Multi-family
- Mobile Home
- Utilities
- Commercial
- Office & Institutional
- Park
- Vacant



Date: 4.11.12

City of Wilmington, GIS





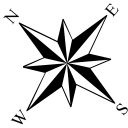
Aerial

Z-5-512

Monkey Junction



 Site



Date: 4.11.12

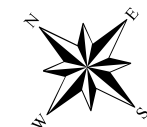
CAMA Land Classification

Z-5-512



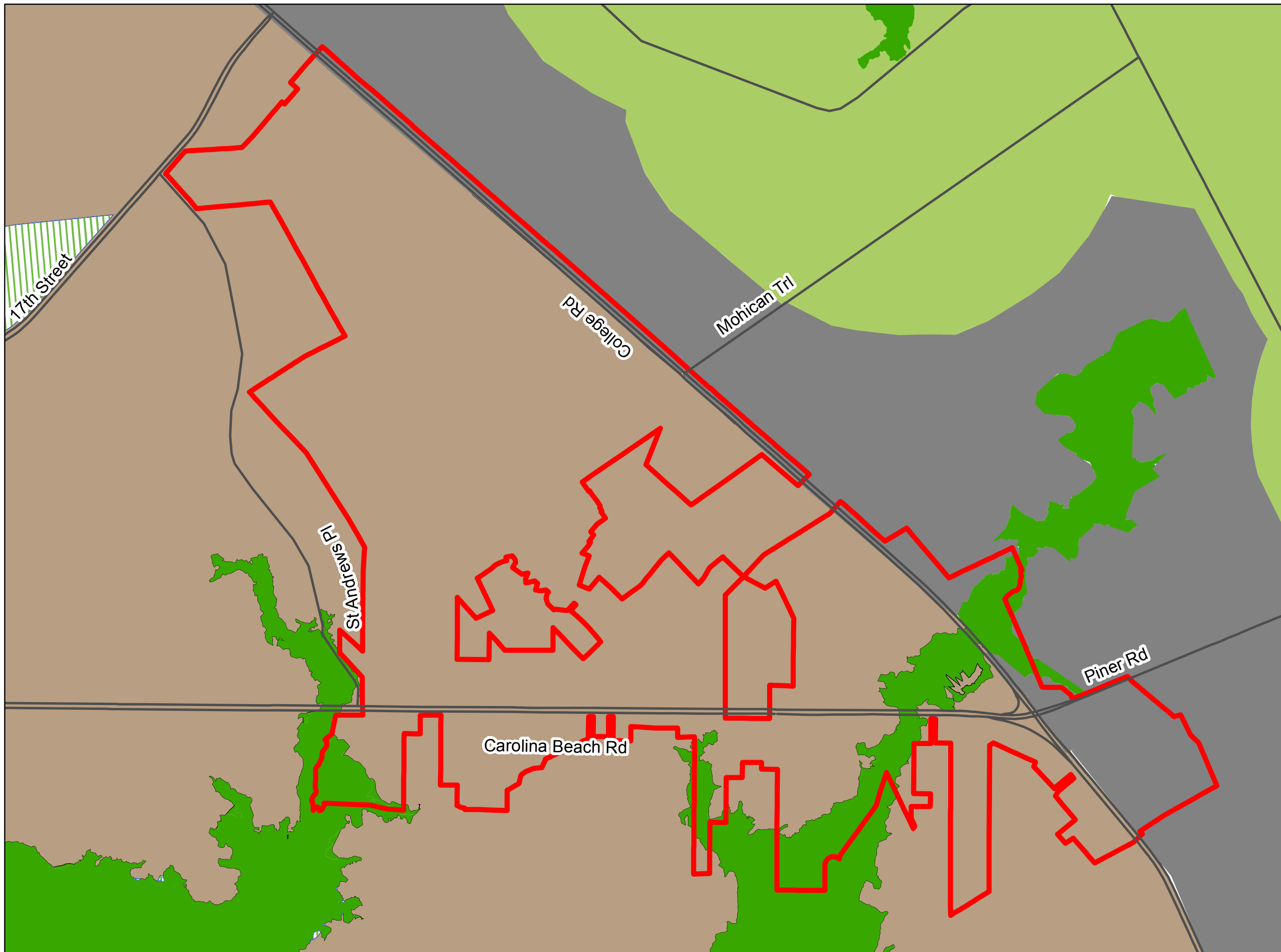
-  Site
-  Conservation Area
-  Urban
-  Transition
-  Watershed Resource Protection
-  Natural Heritage Resource Protection Area

certified 6.23.06



Date: 4.11.12

City of Wilmington, GIS



Attachment 6 – Zoning District Comparisons

	New Hanover County B-1	City of Wilmington CB district
Min lot area	None	½ acre
Min lot width		80 feet
Max lot coverage		30%
Front setback	50' numbered highways and major thoroughfares/20' all other roads	20 feet
Rear setback	At least 25 feet	10'/25' adjacent to residential
Side setback	At least 30 feet	0/20' adjacent to residential
Max building height	35 feet	45 feet/3 stories
	New Hanover County B-2	City of Wilmington RB
Min lot area	None	1 acre
Min lot width		100 feet
Max lot coverage		40%
Front setback	50' numbered highways and major thoroughfares/35' all other roads	25 feet
Rear setback	At least 30 feet	15 feet/25 feet adjacent to residential
Side setback	At least 35 feet	0/20 feet adjacent to residential
Max building height	Up to 40 feet	Up to 96' with increased setbacks
	New Hanover County O&I	City of Wilmington O&I-1
Min lot area	15,000 square feet	15,000 square feet
Max lot coverage		40%
Min lot width	90 feet	80 feet
Front setback	25 feet	20 feet
Rear setback	At least 30 feet	20'/25' adjacent to residential
Side setback	At least 25 feet	10'/20' adjacent to residential
Max building height	40 feet	Up to 75' with increased setbacks
	New Hanover County R-15	City of Wilmington R-15
Min lot area	15,000 sq ft/25,000 sq ft duplex	15,000 sq ft
Min lot width	80 feet	80 feet
Max lot coverage		50%
Front setback	25 feet	30 feet
Rear setback	20 feet	25 feet
Side setback	10 feet	10 feet
Max building height	35 feet	35 feet
	New Hanover County R-10	City of Wilmington R-10
Min lot area	10,000 sq ft/15,000 sq ft duplex	10,000 sq ft
Min lot width	70 feet	70 feet
Max lot coverage		50%
Front setback	25 feet	30 feet

Rear setback	20 feet	25 feet
Side setback	5 feet	10 feet
Max height	35 feet	35 feet

Attachment 7 - Comparison of Permitted Uses

	A	B	C	D	E	F	G	H	I	J	K
1	This table is for study purposes only. For complete information, please consult the New Hanover County Zoning Ordinance and the city of Wilmington Land Development Code.										
2	P = PERMITTED BY RIGHT C = PERMITTED WITH CONDITIONS S = PERMITTED BY SUP A = ACCESSORY USE	City R-15	NHC R-15	City R-10	NHC R-10	City O&I-1	NHC O&I	City CB	NHC B-1	RB	NHC B-2
3	Residential Category:										
4	Single-family, detached	P	P	P	P		P		S		S
5	Duplex		P		S						
6	Multi-family, including townhouses		S		S		S				
7	Multi-family mixed use										
8	Manufactured housing		P		P						
9	Planned Unit Development	S		S							
10	Historic Mixed Use Buildings					C		C			
11	Bed and breakfast		S								
12	Residential uses as allowed in Commercial District Mixed Use					C		C		C	
13	Residential unit contained within principal use							C	S	C	S
14											
15	Accessory Types										
16	Accessory apartment, attached	C		C							
17	Accessory apartment, detached	C		C							
18	Accessory uses		P		P		P		P		P
19	Home occupation	C	P	C	P						
20	Swimming pool	C		C							
21											
22	Health Care and Social Assistance										
23	Assisted living residence		S		S	C	S	S		S	
24	Daycare, adult or child	S	S	S	S	C	P	S	P	S	P
25	Family Care Home	P		P							
26	Group Day facility					S		S		S	
27	Group Home Residential					S		S		S	
28	Group home supportive medium	C		C		C		C		C	

Attachment 7 - Comparison of Permitted Uses

	A	B	C	D	E	F	G	H	I	J	K
	P = PERMITTED BY RIGHT C = PERMITTED WITH CONDITIONS S = PERMITTED BY SUP A = ACCESSORY USE	City R-15	NHC R-15	City R-10	NHC R-10	City O&I-1	NHC O&I	City CB	NHC B-1	RB	NHC B-2
29	Group home supportive small	C		C		S		S		S	
30	Group home supportive, large					C		C		C	
31	Hospitals		S		S	P	P			P	
32	Nursing and personal care		S		S	S		S		S	P
33	Religious institutions	C	P	C	P	C	P	C	P	C	P
34	Retirement center and life care community		S						S		
35	Social Services					P				P	
36											
37	Arts, Entertainment, Recreation										
38	Amusement and recreation services, indoor							P		P	P
39	Art gallery/studio										
40	Bowling alleys and pool halls							C		C	
41	Community boating facility	C	S	C	S				S		S
42	Community Center	S	S	S	S	P		P		P	
43	Cultural Arts Center					C					
44	Golf courses, private or public	P	P	P	P	P					
45	Golf driving range							C		C	
46	Libraries	C	P	C	P	C	P	C	P	C	P
47	Meeting and Events Centers					C		C		C	
48	Museum, art gallery								P		P
49	Night clubs								S	P	P
50	Recreation facility	P		P		P		P		P	P
51	Recreation facility, neighborhood	P		P							
52	Recreation facility, private	S		S		P		P		P	
53	Skating rink							C		C	
54											
55	Utilities, Public Services, and Transportation										
56	Bus and taxi service									P	P
57	Communication facilities		S		S		S		S	C	S
58	Communications towers, attached		S		S		S		S		S

Attachment 7 - Comparison of Permitted Uses

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Attachment 7 - Comparison of Permitted Uses

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Attachment 7 - Comparison of Permitted Uses

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